

REMARKS

Claims 1-18 are pending and under examination. The sequence listing, the specification, and the information disclosure statement are objected to for various formality issues. Claim 14 is rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claims 1-3, 8, 9, and 14 are rejected under 35 U.S.C. § 102(b). Claims 4-6, 7, 10, and 15-18 are rejected under 35 U.S.C. § 103(a). Claims 11-13 are objected to as being dependent upon a rejected base claim. Each of the objections and rejections is addressed in detail below.

Amendments

The specification has been amended to include a sequence identifier after each recited amino acid or nucleotide sequence and to direct entry of the sequence listing. No new matter is added by the amendment.

Claim 1 has been amended to recite the limitation that the terminator is an ω -amino-fatty acid having from 4 to 10 carbon atoms and from 0 to 2 carbon-carbon double bonds. Claims 11-12 depend from amended claim 1 and claim 13 has been amended to independent form. Claims 2-10 and 14-18 have been cancelled. These amendments were made solely for the purpose of bringing this case to issuance, and Applicants reserve the right to pursue the subject matter canceled by this amendment in a continuing or divisional application. The claims, as amended, are consistent with the scope of subject matter believed to be deemed allowable by the Examiner. No new matter is added by the amendment.

Objections

Sequence Listing

The Examiner objects to the Sequence Listing filed November 14, 2007 for failure to comply with the requirements of 37 C.F.R. §§ 1.821(g) and/or 1.825(a). The Examiner notes that the Sequence Listing itself was approved for matters of form.

Transmitted herewith are a Sequence Listing and a Sequence Statement in compliance with 37 C.F.R. §§ 1.821(g) and/or 1.825(a). This objection may be withdrawn.

Specification

The Examiner objects to the amendments to the specification filed November 14, 2007 because the amendment instructions do not unambiguously identify the locations of the paragraphs to be amended as required by 37 C.F.R. § 1.121(b)(1)(i). In the present reply, Applicants submit an amendment to the specification identifying each paragraph or table by reference to the specification filed on November 16, 2005. This objection may be withdrawn.

The Examiner also objects to the disclosure for failure to comply with the sequence disclosure rules (37 C.F.R. § 1.821(d)). Applicants submit that this objection can be withdrawn in view of the amendments to the specification submitted herewith.

Information Disclosure Statement

The Examiner objects to the information disclosure statement filed October 2, 2006 for failure to comply with 37 C.F.R. § 1.98 (a)(1). Transmitted herewith is an Information Disclosure Statement and a PTO Form 1449 listing all references. The objection may now be withdrawn.

Objections to the Claims

Claims 11-13 are objected to for being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter.

The Examiner states at page 7 of the Office Action that “[T]he prior art of record does not teach or suggest a compound as is recited in claim 1 in which the terminator is (a) an ω -amino-fatty acid having from 4 to 10 carbon atoms and from 0 to 2 carbon-carbon double bonds.” Applicants have amended claim 1 to recite the limitation that the terminator is an ω -amino-fatty acid having from 4 to 10 carbon atoms and from 0 to 2 carbon-carbon double bonds. Claims 11-12 depend from amended claim 1 and claim 13 has been amended to independent form reciting all limitations of claim 1, from which it previously depended. Applicants submit that amended claims 1 and 11-13 are commensurate in scope with the subject matter deemed to be allowable by the Examiner.

Rejection under 35 U.S.C. § 112

Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicants have cancelled claim 14 rendering the rejection moot.

Rejection under 35 U.S.C. § 102(b)

Claims 1-3, 8, 9, and 14 stand rejected under 35 U.S.C. § 102(b) for anticipation by WO98/14587 (hereafter “the ‘587 publication”). By way of the present amendment, claims 2-3, 8, 9, and 14 have been cancelled. Claim 1 has been amended to recite the limitation that the terminator is an ω -amino-fatty acid having from 4 to 10 carbon atoms and from 0 to 2 carbon-carbon double bonds. As acknowledged by the Examiner at page 7 of the Office Action, such a compound is not taught or suggested by the prior art. In view of the amendments to the claims, Applicants respectfully request that the rejection

be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claim 7 stands rejected for obviousness over the '587 publication. Claim 7 has been cancelled rendering the rejection as applied to this claim moot.

Claims 4-6, 10, and 15-18 stand rejected for obviousness over the '587 publication in view of WO 98/29443. Claims 4-6, 10, and 15-18 have been cancelled rendering the rejection as applied to these claims moot.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested.

Transmitted herewith are a Petition to extend the period for replying to the Office action for three months, to and including September 24, 2009, and payment of the required extension fee.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: September 23, 2009

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